

1
2
3
4
5
6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 KEITH HENDERSON, }
9 Plaintiff, }
10 v. } 3:14-cv-00298-RCJ-WGC
11 ROBERT TOOLE et al., } **ORDER**
12 Defendants. }
13 _____ }

14 **I. DISCUSSION**

15 Plaintiff, who is a prisoner in the custody of the Georgia Department of Corrections, has
16 filed an application to proceed *in forma pauperis*, a motion for prospective relief, a notice of
17 appeal, an order of precedents, and an affidavit of notary presentment. (ECF No. 1, 1-1, 1-2,
18 1-3, 1-4).

19 Plaintiff's application to proceed *in forma pauperis* is incomplete. Pursuant to 28 U.S.C.
20 § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to proceed *in*
21 *forma pauperis* on this Court's approved form and attach both an inmate account statement
22 for the past six months and a properly executed financial certificate. Plaintiff has not submitted
23 an *in forma pauperis* application on this Court's approved form and has not submitted a
24 financial certificate or an inmate account statement. (See ECF No. 1). As such, the *in forma*
25 *pauperis* application is denied without prejudice. Plaintiff will be granted an opportunity to cure
26 the deficiencies of his application to proceed *in forma pauperis*, or in the alternative, pay the
27 full filing fee for this action. If Plaintiff chooses to file a new application to proceed *in forma*
28 *pauperis* he must file a fully complete application to proceed *in forma pauperis*.

Additionally, Plaintiff has not filed a complaint in this matter. Pursuant to Federal Rule

1 of Civil Procedure 3, “[a] civil action is commenced by filing a complaint with the court.” Fed.
2 R. Civ. P. 3. As such, the Court grants Plaintiff thirty (30) days from the date of this order to
3 submit a complaint to this Court.

4 **II. CONCLUSION**

5 For the foregoing reasons, IT IS ORDERED that Plaintiff’s application to proceed *in*
6 *forma pauperis* (ECF No. 1) is DENIED without prejudice to file a new application.

7 IT IS FURTHER ORDERED that the Clerk of the Court SHALL SEND Plaintiff the
8 approved form application to proceed *in forma pauperis* by a prisoner, as well as the document
9 entitled information and instructions for filing an *in forma pauperis* application.

10 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,
11 Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis*, on the
12 correct form with complete financial attachments in compliance with 28 U.S.C. § 1915(a); or
13 (2) pay the full filing fee of \$400.

14 IT IS FURTHER ORDERED that Plaintiff shall submit a complaint to this Court within
15 **thirty (30) days** of the date of this order.

16 IT IS FURTHER ORDERED that the Clerk of the Court shall send to Plaintiff the
17 approved form for filing a 42 U.S.C. § 1983 complaint and instructions for the same.

18 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
19 dismissal of this action may result.

20 IT IS FURTHER ORDERED that decisions on Plaintiff’s remaining motions (ECF No.
21 1-1, 1-2, 1-3, 1-4) are deferred.

22
23 DATED: This 10th day of June, 2014.

24
25 
26

27 United States Magistrate Judge
28